



Ms. Kris Hogan  
MC 205, Office of Legal Services  
Texas Commission of Environmental Quality  
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July 23, 2019

## COMMENTS TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**Re: 2016-042-309-OW: Amendments of Chapters 222 and 309 Relating to Beneficial Reuse Credits**

### LEAGUE OF WOMEN VOTERS OF TEXAS

The League of Women Voters of Texas appreciates the opportunity to comment on the proposed rule changes regarding beneficial reuse of wastewater. Our positions on water and land use issues are derived through a lengthy and thoughtful process involving the participation of 31 local Leagues representing more than 7,000 members and supporters throughout the state of Texas.

Our members support policies that emphasize conservation and reuse of water; that are based on research concerning wise and efficient use of the state's land and water resources; that protect the land and fragile ecosystems; and that maintain groundwater quality by preventing harmful contamination of aquifers.

LWVTX SUPPORTS the efforts of TCEQ to respond to increasing demands on water supplies and decreasing availability of tracts of land for domestic wastewater disposal under the current rules. We believe the proposed rule changes will help prevent degradation of water quality from wastewater discharge and will promote beneficial reuse of water.

**Specifically, LWVTX SUPPORTS these proposed rules changes in particular:**

1. *The commission proposes §222.83(e) and §309.24(d) to prohibit reducing the disposal site area by more than 50% of the area required based on the permitted flow.*  
We agree that this percentage of land must be available in case there is more reclaimed water available than can be reused. The rule is a safeguard against unauthorized discharge.
2. *The commission proposes §222.127(c) and §309.24(e) to prohibit the reduction of the required storage.*  
We agree that this rule is another important safeguard against unauthorized discharge.
3. *The commission proposes new §309.25(b)(5) to require a permittee that is granted a beneficial reuse credit to have a contractual agreement to pump and haul unused treated effluent and requires the applicant to dispose of excess wastewater under the contractual agreement...(under certain conditions).*  
We believe this new rule would ensure certainty that the permittee is prepared to deal with excess reclaimed water, and again would safeguard against unauthorized discharge.

4. *The commission proposes new §309.25(c)(5) to require the permittee to submit their monthly effluent monitoring reports to the executive director.*

We applaud this new rule which requires not only the maintenance of these records, but sending the records to TCEQ for review.

**In addition, LWVTX would like to see the following proposed rule STRENGTHENED:**

*The commission proposes new §309.25(b)(6) to require a permittee who is granted a beneficial reuse credit to meet the effluent quality standards for Type II reclaimed water, as described in §210.33 (Quality Criteria and Specific Uses for Reclaimed Water).*

We support this rule requiring effluent limits to be incorporated into the permit process. However, **we propose that Type II effluent standards are not sufficient to adequately protect surface water quality. We ask that you strengthen this rule by requiring effluent standards that will not adversely impact sensitive creeks and streams, especially by minimizing discharge of nitrogen and phosphorus.**

Thank you for the opportunity to comment.

Sincerely,

Grace Chimene, President  
League of Women Voters of Texas

The League of Women Voters of Texas (LWVTX) is a nonpartisan citizens' organization that has fought since 1919 to improve our government and engage all citizens in the decisions that impact their lives. It represents 31 Leagues and more than 7000 members and supporters throughout Texas.

The League of Women Voters never supports or opposes candidates for office or political parties. The member-driven organization of women and men encourages the informed and active participation of citizens in government and seeks to influence public policy through education and advocacy of positions based on extensive issue study and consensus.